

EXHIBIT C

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Violations of Article 27 of the Environmental Conservation Law (ECL) by

Tonawanda Coke Corp.
P.O. Box 50007
3875 River Road
Tonawanda, New York 14150

(Erie County)

Respondent

ORDER
ON
CONSENT

FILE No. 08-57
R9-20080506-32

WHEREAS:

1. Article 27 of the Environmental Conservation Law of the State of New York (hereinafter "ECL") sets forth certain requirements governing the identification, handling, collection, treatment and management of solid and hazardous waste; and, pursuant to ECL Section 27-0907, empowers the Department of Environmental Conservation (hereinafter "Department") to adopt and promulgate rules and regulations establishing standards for generators of hazardous waste.
2. Respondent owns, operates and/or maintains control of a coke manufacturing facility located at 3875 River Road,, Town of Tonawanda, County of Erie.
3. On September 6, 2007, Department Staff conducted a compliance inspection of Respondent's facility. The violations set forth below were disclosed by that inspection.
4. Pursuant to the authority of ECL Section 27-0907, Part 372, New York Codes, Rules, Regulations ("NYCRR") sets forth requirements governing the generators of hazardous waste.
5. The Department alleges that Respondent, in violation of 6 NYCRR Part 372.2(a)(8)(iv) and Part 376.5(a)(1), stored liquid PCB waste, and a concentration exceeding 50 ppm, for a period in excess of 180 days. Such waste was contained in a transformer taken out of service and stored on an outdoor pad. Respondent neither admits nor denies this allegation.
6. Respondent violated 6 NYCRR Part 372.2(a)(8)(iii)(d) and Part 373.1-1.1(d)(1)(iii)(c)(2) by failing to place an accumulation date on a transformer containing PCB

waste greater than 50 ppm.

7. Respondent, in violation of 6 NYCRR Part 372.2(a)(8)(iii)(b) and Part 373-3.9(d)(3), failed to place the words "hazardous waste" and "other words" sufficient to identify the contents on a transformer containing PCB waste greater than 50 ppm.

8. Respondent consents to the issuing and entering of this Order, pursuant to the provisions of ECL Article 27, and agrees to be bound by the provisions, terms and conditions contained herein, and hereby affirmatively waives its right to a hearing as provided by law.

NOW, having considered this matter and being duly advised, it is ORDERED:

I. THAT Respondent is hereby assessed a civil penalty in the amount of Nine Thousand Dollars (\$9,000.00) which is to be paid by certified check or money order made payable to the Commissioner of the Department of Environmental Conservation and returned along with the executed copy of this Order to the Region 9 Office at 270 Michigan Avenue, Buffalo, New York 14203-2999, Attn: Regional Attorney.

II. THAT Respondent shall fully comply with the provisions of the Schedule of Compliance attached to and made a part of this Order as Schedule A.

III. THAT if Respondent cannot comply with a deadline or requirement, because of an act of God, or, strike, riot, catastrophe or other condition which was not caused of the negligence or willful misconduct of Respondent and which could not have been avoided by the Respondent through of due care, Respondent shall apply in writing within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement.

IV. THAT this Order constitutes satisfaction and waiver by the Department of all legal, administrative and equitable rights or claims, action, causes of action or demands against Respondent, its shareholders, directors, officers, agents, servants, employees and any other party acting under or for Respondent and its respective heirs, legal representatives, successors and assigns in connection with the alleged violations described herein; provided however, the Department hereby reserves all its legal, administrative and equitable rights arising in common law or granted to it pursuant to statute or regulation, including, but not limited to, any summary abatement powers the Commissioner may have pursuant to Section 71-0303 of the ECL.

V. THAT no change or modification to this Order shall become effective, except as specifically set forth in writing and approved by the Commissioner or duly authorized representative.

VI. THAT Respondent shall indemnify and hold the Department, State of New York and their representatives and employees harmless for all claims resulting from the negligent or willful acts and/or omissions of Respondent in connection with the compliance or attempted compliance by Respondent with the provisions of this Order.

VII. THAT the provisions, terms and conditions of this Order shall be deemed to bind the Department and Respondent and its respective directors, officers, agents, servants, employees and any other party acting under or for either thereof and the respective heirs, legal representatives, successors and assigns.

VIII. THAT for the purpose of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to the facility in order to inspect and/or perform such test as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility.

DATE: July 17.
~~June~~, 2008
Buffalo, New York

ALEXANDER P. GRANNIS Commissioner
New York State Department of
Environmental Conservation

By: Abby M. Snyder
Abby M. Snyder
Regional Director, Region 9

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: Mark L. Kamholz
MARK L. Kamholz

Title: Manager - Environmental Control

Date: 7-1-08

Acknowledgment by a corporation, in New York State:

STATE OF NEW YORK)
) ss.:
COUNTY OF Erie)

On the 1st day of July in the year 2008, before me, the undersigned,

personally appeared MARK L. Kamholz
(Full name)

personally known to me who, being duly sworn, did depose and say that he/she/they reside at

3875 River Rd Tonawanda, NY 14150
(Full mailing address)

and that he/she/they is (are) the
Manager - Environmental Control
(President or other officer or director or attorney in fact duly appointed)

of the Tonawanda Coke Corporation
(Full legal name of corporation)

the corporation described in and which executed the above instrument; and that he/she/they signed his/her/their name(s) thereto by the authority of the board of directors of said corporation.

LINDA L BAKER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01BA6142946
Qualified in Niagara County
Commission Expires March 27, 2010

Linda L. Baker
Notary Public, State of New York

SCHEDULE A

Tonawanda Coke Corp.

Respondent shall, on or before the dates indicated:

<u>Item</u>	<u>Due Date</u>
1. Dispose of all hazardous waste stored for a period greater than 180 days.	Done
2. Place an accumulation start date on all containers of hazardous waste.	Done
3. Mark all containers of hazardous waste with the words "hazardous waste" and "other words" sufficient to identify contents.	Done